

ORAL ARGUMENT NOT YET SCHEDULED**No. 23-1211****IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

**ARKANSAS LEAGUE OF GOOD NEIGHBORS,
Petitioner,****v.****UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, et al.
Respondents.**

**NONBINDING STATEMENT OF ISSUES OF
PETITIONER ARKANSAS LEAGUE OF GOOD NEIGHBORS**

Petitioner Arkansas League of Good Neighbors respectfully submits this nonbinding, preliminary statement of issues to be raised in the above-captioned case involving review of the rule of Respondent United States Environmental Protection Agency (“EPA”) under the Clean Air Act (“CAA” or the “Act”) titled “Federal ‘Good Neighbor Plan’ for the 2015 Ozone National Ambient Air Quality Standards,” published at 88 Fed. Reg. 36,654 (June 5, 2023) (the “Federal Plan”):

1. Whether the Federal Plan is arbitrary, capricious, or otherwise unlawful because it resulted, or could result, in “over-control” of emissions.

2. Whether the emission reduction requirements placed on industrial sources in the Federal Plan exceed EPA's authority under the Good Neighbor provision of the Act, and are therefore unlawful.

3. Whether EPA acted arbitrarily or capriciously, abused its discretion, or otherwise acted contrary to law by imposing the Federal Plan on the State of Arkansas.

4. Whether EPA acted arbitrarily or capriciously, abused its discretion, or otherwise acted contrary to law by imposing emission reduction requirements on industrial sources in the State of Arkansas through the Federal Plan.

5. Whether EPA acted arbitrarily or capriciously, abused its discretion, or otherwise acted contrary to law by establishing an unreasonably and improperly accelerated compliance schedule for the Federal Plan.

6. Whether EPA acted arbitrarily, capriciously, or otherwise contrary to law by establishing emission reduction requirements in the Federal Plan based on erroneous or irrelevant data and assumptions, and without adequate support and explanation in the rulemaking record.

Arkansas League of Good Neighbors may brief issues in addition to those described above.

Dated: September 6, 2023

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on September 6, 2023, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the District of Columbia Circuit by using the CM/ECF system.

/s/ Elbert Lin